

## 058 - PUBLIC DEFENDER

### Operational Summary

#### Mission:

To provide competent representation to each court-appointed client in an efficient, cost-effective manner and in accordance with professional standards and ethics as established by the courts and by national and state legal organizations.

#### Strategic Goals:

- Emphasize personnel development to provide quality legal representation to clients, while maintaining a high level of efficiency.
- Continue to secure and upgrade the level of computer/technological hardware and software available to and utilized by Public Defender staff.
- Evaluate compliance with the California State Bar Association Guidelines on Indigent Defense Services and National Legal Aid & Defender Association (NLADA) recommendations.

#### Key Outcome Measures:

Performance Measure	FY 99-00 Results	FY 00-01 Target	How are we doing?
<b>DRUG COURT PROGRAM PARTICIPATION</b> <b>What:</b> Measures interagency collaborative effort to successfully rehabilitate clients. <b>Why:</b> Maximizes treatment/supervision maintaining public safety and integrity of therapeutic intervention.	Rehabilitation promotes a productive lifestyle through sobriety, education, and employment. 1999 Drug Court expanded the 12-18 month program to include Central, South, North and Juvenile Justice Centers. The number of participants increased to 288 in 1999. Number of participants 1995 - 1999 = 647	Drug Court continues to expand in 2000/01 to include Harbor Justice Center. By July 1, 2000 Drug Court projects over 360 participants and well over 400 are expected to participate during fiscal year 2000/01.	Drug Court participation has risen since 1995. Less than 10% of those who enter drop out or are expelled. Participants are less likely to re-offend because they learn to thrive in a sober lifestyle. County residents benefit as more people become responsible and productive members of the community.

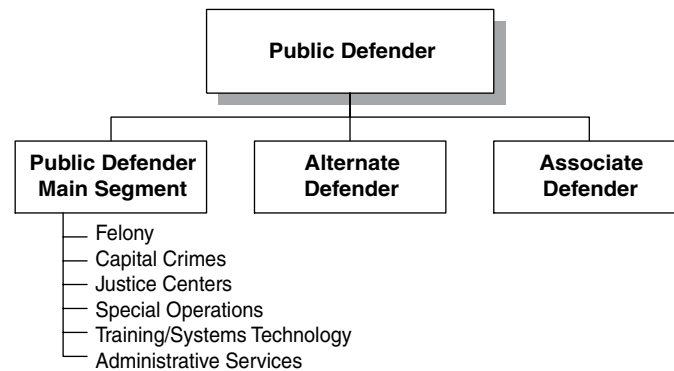
## Key Outcome Measures: (Continued)

Performance Measure	FY 99-00 Results	FY 00-01 Target	How are we doing?
<b>EFFORTS TO MEET CALIFORNIA STATE BAR GUIDELINES</b> <b>What:</b> Measure quality-related criteria to examine various aspects of work performed within the department. <b>Why:</b> Guidelines set baseline of competent performance on training, resources, workload and support staff.	The Public Defender consistently strives to improve the quality of its' representation. Improvements include upgrades in technology which enhance research capabilities and improvements in the quality and quantity of training.	The Public Defender seeks to achieve 100% compliance with the applicable State Bar Guidelines. Continued upgrades in technology throughout the offices will provide research and resources to all staff. PIP has provided a vehicle to encourage continued training, education and greater performance.	The Public Defender is on track with technology upgrades provided by the CEO's Information and Technology department. The main unit move to 14 Civic Center Plaza enabled the Public Defender to have, for the first time, a training room/library that can accommodate staff training sessions.
<b>ARRAIGNMENT COURT AVAILABILITY</b> <b>What:</b> Measure increases in availability to counsel individuals in pre-arraignment and arraignment court. <b>Why:</b> The US and CA Constitutions guarantee persons accused of a crime the right to legal representation.	The Public Defender is available for most persons who are incarcerated at the time of arraignment. Pre-arraignment counsel has not been provided as a general rule. Many accused initially appear in court without counsel often pleading guilty without ever consulting a lawyer.	The Public Defender seeks to represent persons at the time of pre-arraignment and arraignment. By representing those accused, the Public Defender serves the needs of the clients and enhances the efficiency of the criminal justice system by early resolution of a significant number of cases.	The Public Defender is hiring several attorneys to represent clients at the pre-arraignment and arraignment phase of the process due to a recent Appellate Court opinion of law and a NLADA audit that demand the Public Defender represent these persons.

## Fiscal Year 1999-00 Key Project Accomplishments:

- Reprioritized goals to better prepare and support the Performance Management System and the Performance Incentive Program.
- In June 1999, the main Superior Court office relocated to the renovated county building at 14 Civic Center Plaza, Santa Ana. This move from leased space to a County facility not only resulted in a substantial annual savings to the County but also solved a serious overcrowding problem within the office.
- The Public Defender implemented the changes necessary to accommodate decentralization of the Superior Court, expansion of drug courts, and the shift of a portion of the cases from the South Orange County Justice Center to the Orange County Harbor Justice Center.
- Continued efforts to support participants in the Justice system to maintain stabilization of indigent defense in Orange County. Coordinated/collaborated with county representatives regarding delivery of indigent defense in Orange County.
- Completed the revision and restructuring of the training function of the Offices of the Public Defender to include regularly scheduled training for all staff including attorneys, investigators, secretaries, and paralegals. Devoted additional training in the handling of the most serious and complex criminal cases. Adapted training to individual needs as possible.
- Began the process to secure and install appropriate computer hardware and software necessary to integrate the office into an office wide network (accessible as an intranet and extranet) via internet technology, for the purpose of facilitating legal research and casework preparation. Initiated migration of computer network to the County Data Center. Created a Public Defender web page via the internet and an intranet page for Public Defender staff information and research.
- Reorganized and restructured attorney management to make it more efficient, responsive, and effective in dealing with the challenges the Department faces.

## Organizational Summary



**PUBLIC DEFENDER MAIN SEGMENT** - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

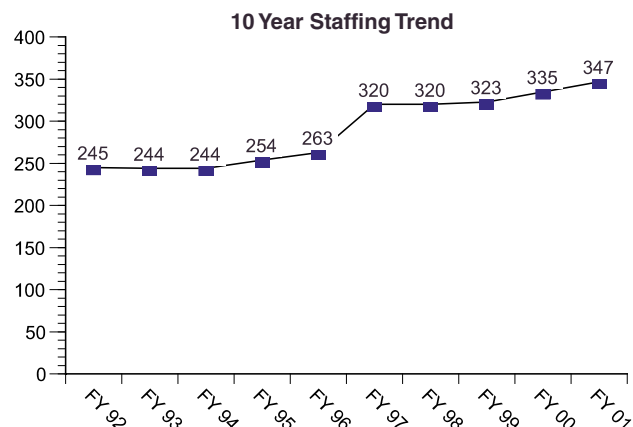
The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Harbor Justice Center), and Laguna Niguel (South Justice Center). Attorneys and support staff work at each of these locations. The main unit provides representation in approximately 65,000 cases annually. These include misdemeanor and felony criminal cases, Juvenile Court cases and Mental Health cases.

**ALTERNATE DEFENDER** - The Alternate Defender Office is located in Santa Ana, and handles the first level of conflict cases (except for cases arising in Juvenile Court). There are approximately twenty lawyers employed in the Alternate Defender office, with a full complement of support staff (investigators, interviewers, and clerical personnel primarily). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged. The Alternate Defender represents about 3,400 clients annually.

**ASSOCIATE DEFENDER** - The Associate Defender Office is located in Santa Ana and is staffed by one or two lawyers, with a small support staff. This unit handles two or three complex cases (including capital cases) at one time. These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost than under the current system.

**PUBLIC DEFENDER EXECUTIVE MGT** - Department Head and immediate support staff.

### Ten Year Staffing Trend:



### Ten Year Staffing Trend Highlights:

- Staffing trends for the Public Defender often reflect demographic and socio-political changes. For example, in January of 1995 County bankruptcy led to the Office of the Public Defender being divided into three independent units at the direction of the Board of Supervisors. The newly created units undertook representation of conflict clients previously represented by court-

appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect has been millions of dollars in savings.

- Other changes in staffing have occurred in response to and in cooperation with court consolidation and the expansion of the drug courts throughout the county. The net effect has been a small increase in staff size.

## Budget Summary

### Plan for Support of the County's Strategic Priorities:

The Public Defender has committed staff and support for various County of Orange initiatives such as the new Performance Management System, Enlightened Leadership, Results Oriented Government (ROG) and County restructuring. These initiatives have resulted in many new responsibil-

ities within the department, particularly with regard to the human resources function. The Public Defender has membership on the LMC Steering Committee, the Labor Management Committee, has three PIP (Performance Incentive Program) trainers, participates on the PIP Implementation Committee and the Enlightened Leadership Steering Committee.

The Public Defender will continue its commitment to the County Initiatives and Strategic Priorities in FY 2000/01. Training continues with management on the principles of Enlightened Leadership. The creation of standing committees will create an improved form of communication among all staff on issues such as technology, performance, assignments and rotations. Performance measurements (ROG) are in place to evaluate department progress and success.

### Changes Included in the Recommended Base Budget:

The Public Defender is not requesting any changes to its CEO recommended base budget.

### Final Budget and History:

Sources and Uses	FY 1998-99 Actual Exp/Rev <sup>(1)</sup>	FY 1999-00 Final Budget	FY 1999-00 Actual Exp/Rev <sup>(1)</sup>	FY 2000-01 Final Budget	Change from FY 99-00 Actual	
					Amount	Percent
Total Positions	N/A	335	N/A	347	347	N/A
Total Revenues	651,759	1,742,832	1,582,220	1,983,082	400,862	25.34
Total Requirements	26,765,042	31,241,051	30,001,757	32,443,693	2,441,936	8.14
Net County Cost	26,113,283	29,498,219	28,419,537	30,460,611	2,041,074	7.18

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 1999-00 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: PUBLIC DEFENDER in the Appendix on page 398.

### Highlights of Key Trends:

- To meet constitutional standards, there is a need to increase attorney presence and availability at arraignments.
- Population demographics point to possible increases in caseloads in the near future. A phenomenon known as the "echo boom" refers to the children of the post-World War II "baby boomers." These "echo boomers" are beginning to reach their middle and late teen years. A Sheriff's office study predicts a 10% increase in people ages 15-19 in the year 2000, with an increase of 61%

expected by the year 2010. Statistics show most crimes are committed by young males between about 15 and 30 years of age.

- The overall population of the County will continue to rise in the next decade. If the rate of criminal activity of people within a particular age group increases, the actual number of criminal cases will rise as the overall population of that group rises.
- In recent years specialized programs have been instituted to deal with the root causes of crime. These include the various drug courts operating in the county, two domestic violence courts, the IMPACT program for

assisting mentally ill persons on probation, and the W&I Section 6600 law. Other changes also result in a greater consumption of staff time and resources. These include decentralization of felony trials, direct calendaring of cases in some courts, and state intervention in juvenile court cases under Welfare and Institutions Code sections 300 et seq. Also of concern are new juvenile justice laws, the prospect of an even more severe juvenile justice initiative on the ballot in the year 2000,

developments in the three-strikes law, expanding duties in appellate cases, and increasing sentences overall. Finally, the District Attorney's recent policy change indicating he will automatically seek the death penalty in a significant class of potential capital cases, rather than continue to exercise independent discretion, will require an additional commitment of resources by the Public Defender.

### Budget Units Under Agency Control

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgt	Total
058	Public Defender	29,267,624	2,778,399	202,058	195,612	32,443,693
15N	Delta Special Revenue	37,000	0	0	0	37,000
	<b>Total</b>	29,304,624	2,778,399	202,058	195,612	32,480,693